

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

February 12, 2009

Darryl E. Douglas
SBI No.
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: Motion for Postconviction Relief
Defendant ID No. 0309000027A (R-2)

Dear Mr. Douglas:

The Court received your second Motion for Postconviction Relief on February 4, 2009. It is procedurally barred and, therefore, is denied.

A review of your Motion and the file, as well as the docket, reflects the following pertinent facts:

- (1) Following a jury trial, you were convicted of robbery in the first degree and possession of a firearm during the commission of a felony, as well as other related charges.
- (2) On June 25, 2004, you were sentenced to a life sentence as a habitual offender.
- (3) The Supreme Court affirmed your conviction August, 2005.
- (4) You filed your first Motion for Postconviction Relief on April 19, 2006. It was denied May 18, 2006.
- (5) You appealed, and on March 28, 2007, the Supreme Court affirmed this Court's denial of your Motion for Postconviction Relief. *Douglas v. State*, 922 A.2d 414, 2007 WL 914225 (Del. March 28, 2007) (ORDER).

Of importance is that you raised a claim that you were denied your constitutional right to represent yourself at trial. The Supreme Court affirmed this Court's ruling that you had never made a request to represent yourself.

- (6) The mandate as to the return of the case from the Supreme Court was April 13, 2007.

In your present Motion for Postconviction Relief, you raise one claim, and that is that you were denied the right to dismiss counsel and proceed *pro se*.

This claim is procedurally barred under Superior Court Criminal Rule No. 61(i)(1). At the time you were convicted, this Rule had a three-year limitation, starting from the date your judgment became final. This would have been in August, 2005, when your direct appeal was affirmed by the Supreme Court. Therefore, your Motion for Postconviction Relief filed in February, 2009, comes too late.

It is also procedurally barred under Rule 61(i)(4) because this issue has been adjudicated by the Superior Court, and affirmed by the Supreme Court. There is no basis to reconsider this claim in the interest of justice because it has been determined to be without merit.

Defendant's Motion for Postconviction Relief is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

baj
cc: Prothonotary
Department of Justice